

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINDSAY BABIARZ,

Plaintiff,

Case No. 21-cv-12376

Hon. Matthew F. Leitman

v.

COUNTY OF WASHTENAW, *et al.*,

Defendants.

/

**ORDER (1) GRANTING PLAINTIFF LEAVE TO FILE A SECOND
AMENDED COMPLAINT AND (2) TERMINATING DEFENDANT'S
MOTION TO DISMISS (ECF No. 12) WITHOUT PREJUDICE AS MOOT**

On April 21, 2022, the Court held a hearing on Defendant Washtenaw County's motion to dismiss Plaintiff Lindsay Babiarz' First Amended Complaint. (*See* Mot., ECF No. 12.) For the reasons explained on the record during the hearing, the Court (1) **GRANTS** Babiarz leave to file a Second Amended Complaint and (2) **TERMINATES** Washtenaw County's motion to dismiss **WITHOUT PREJUDICE** as **MOOT**. Babiarz shall file her Second Amended Complaint by no later than **May 12, 2022**. Defendants shall answer or otherwise respond to the Second Amended Complaint by no later than **June 2, 2022**.

As the Court further discussed during the motion hearing, the Court does not anticipate allowing Babiarz another opportunity to amend to add factual allegations that she could now include in her Second Amended Complaint. Simply put, this is

Babiarz' opportunity to allege any and all additional facts, currently known to her, that may cure the alleged deficiencies in her claims identified by Washtenaw County in its motion to dismiss and/or that were discussed during the hearing on that motion.

IT IS SO ORDERED.

Dated: April 21, 2022

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 21, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126